

Tracy McCollin
PFOW Consultation
Marine Scotland
Marine Planning and Policy
Victoria Quay
Edinburgh
EH6 6QQ

[Redacted]

By email: PFOWmarinespatialplan@scotland.gsi.gov.uk

26 July 2013

Dear Tracy,

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan: Planning Issues and Options Consultation Paper

Thank you for consulting us on the Planning Issues and Options consultation paper, a key part of the development of the emerging pilot Marine Spatial Plan (MSP) for the Pentland Firth and Orkney Waters (PFOW). We welcome the open and consultative approach of this process and look forward to working with the Marine Scotland, Highland Council and Orkney Islands Council, and other stakeholders in the development of the plan.

Please find attached our comments on the approach taken to the plan, including details comments on the questions posed in the consultation document and the draft environmental report prepared as part of the Strategic Environmental Assessment (SEA). I hope these comments are of assistance in the development of the draft plan and we look forward to providing further input in due course. In the meantime, please do not hesitate to get in touch if you require further clarification or would like to discuss any of these points further.

Yours sincerely,

[Redacted signature]

[Redacted contact information]

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan: Planning Issues and Options Consultation Paper & SEA draft Environmental Report

Response from The Crown Estate

26 July 2013

Introduction

We welcome the opportunity to comment on the Planning Issues and Options Consultation Paper for the Pentland Firth and Orkney Waters (PFOW) Marine Spatial Plan (MSP) (hereafter referred to as “the plan”). The Crown Estate has considerable experience in marine planning and has been heavily involved in other spatial planning initiatives around the UK.

The Pentland Firth and Orkney Waters (PFOW) area is rich in wave and tidal resource and will play a key role in the demonstration of commercial scale wave and tidal energy development, the success of which will form the cornerstone of the growth of the wave and tidal industry in Scotland. The area is of exceptional environmental quality and is an important area for fisheries, aquaculture, shipping, recreation and tourism. Therefore it is important that the SEA and plan facilitate the development of wave and tidal technologies whilst also ensuring due consideration of environmental factors and other users of the marine environment.

We welcome the continued engagement in the development of the plan and look forward to working with Marine Scotland, Highland Council and Orkney Island Council and other stakeholders in the development of the plan. Below we set out our comments on the key parts of the plan, along with detailed answers to the questions posed in consultation report. These comments build on, and expand upon, our input into the stakeholder workshops in Kirkwall (1st July) and Thurso (4th July 2013).

General Comments

- Given the advanced stage of the twelve wave and tidal projects with agreements for lease with The Crown Estate, we welcome the proposal in the consultation document to consider these developments as ‘planned developments at the licensing stage’.

- The plan should address the need to tackle climate change, and in particular reduce emissions of the greenhouse gases that contribute to it in accordance with the Marine (Scotland) Act, which states that Scottish Ministers and public bodies must act in a way best calculated to mitigate, and adapt to, climate change so far as is consistent with the purpose of the function concerned. The need to address climate change and contribute mitigating actions should be reflected in the vision and objectives for the plan as well as in policies regarding sustainable development.
- Throughout the report, reference is made to terms and phrases such as 'area of search', 'co-existence', 'co-location', 'development' etc. For ease of reference and to assist stakeholders when using the plan, a collated set of definitions should be included in the final plan. Where these definitions are able to be consistent with the draft National Marine Plan being developed by Marine Scotland as well as other statutory plans being worked up across the UK, this would provide greater clarity and usability for stakeholders interpreting marine plans across jurisdictional boundaries in the UK.

Response to Consultation Questions

Question 1: Are there other legislation, policies or plans not identified in table 4.1 and annex 3 that should be considered in the development of the pilot Pentland Firth and Orkney Waters marine spatial plan?

The Planning Issues and Options paper includes a comprehensive list of relevant legislation, plans and policies but in addition to the National Marine Plan, we would recommend that reference is also made to the process currently underway to designate a network of Marine Protected Areas in Scotland's seas.

We welcome the inclusion of schematic diagrams (Figures 3 and 4) to help explain how the plan sits alongside other relevant plans and policies. We would suggest that additional narrative is developed to help explain the relationship between these plans further. For example, does the sectoral plan for wave energy *inform* the future development of wave energy within the PFOW as identified in the plan?

Question 2: Is there other information that you think should be used to inform the development of the marine spatial plan for Pentland Firth and Orkney Waters?

No further information at present.

Question 3: Considering paragraph 6.5, are there other stakeholder engagement and governance related issues that should be investigated through the pilot marine planning process?

We support the objectives set out in paragraph 6.5 to develop effective means to engage stakeholders in the development of regional marine plans based on lessons learned during the PFOW MSP process. In addition to this, it may also be appropriate to consider lessons learned during other marine spatial planning initiatives such as the National Marine Plan for Scotland and the East of England Inshore and Offshore marine plans currently being developed by the Marine Management Organisation (MMO).

Question 4: Do you agree with the identified purposes and users of the marine spatial plan set out in Section 6? Are there additional or alternative purposes or users of the plan that should be considered?

The main purposes identified for the plan are:

- To establish a coherent strategic vision and objectives to achieve sustainable development;
- To set out policies to support the delivery of sustainable development;
- To produce and use relevant, reliable and robust information to support the plan policies, inform decision making and support the sustainable management of the marine environment; and
- To develop a framework for integrating marine planning with terrestrial planning.

In addition to these points, we would also suggest the purpose of the plan includes the following points:

- To provide a coherent plan to inform and guide the regulation, management and use of the environs to which the plan applies;
- To provide clarity and direction to users of the marine environment as to how it will be managed and regulated and the framework within which decisions will be taken.

We agree that developing a vision is an important part of the planning process and working with stakeholders to develop this vision and the objectives required to meet it, is an effective way of engaging stakeholders. A clear vision for the plan area will help to describe the overall intended direction of travel for the duration of the plan period and will set out the type of development expected to be brought forward and the characteristics of the plan area which are sought to be maintained or enhanced.

In terms of users of the plan, we would also like The Crown Estate included in the list of users as a business who wish to deliver sustainable development, but also as a public authority under the Marine (Scotland) Act (2009).

Question 5: Should the existing Pilot Pentland Firth and Orkney Waters Marine Spatial Plan boundary be realigned with the boundaries of the proposed Scottish Marine Regions or do you think the existing 'strategic area' boundary is appropriate? (Refer to Figures 5 and 6)

We support the proposal that the plan follows the boundaries of the Scottish Marine Regions as proposed in Figure 6.

In our response to the Scottish Marine Regions Boundaries consultation in February 2013, we raised concerns regarding the practicality of the Regional Boundaries proposed around the Pentland Firth and Orkney Waters area. The plan area overlaps with two of the proposed Marine Regions – the North Coast and Orkney Marine Regions. Further clarity on how these administrative regions will work together on planning matters is required in order to ensure that the plan and any future plans for the North Coast and Orkney Marine Regions are consistent and deliver the objectives set for each plan. In addition, we have some concerns about the feasibility of managing the area to the west of John O'Groats where there are three Marine Regions in a relatively small area. We would suggest that the North Coast Marine Region need not extend out to the 12nm limit.

Question 6: How should the pilot plan and/or marine planning process facilitate and support integration between the terrestrial and marine planning systems? (See paragraphs 6.16 – 6.17).

The Planning Issues and Options report makes reference to the National Marine Plan, Scottish Planning Policy and National Planning Framework 3 (NPF3) and we welcome effort to coordinate the plan with the terrestrial and marine planning systems more generally to ensure the development of an integrated planning strategy.

The plan should make reference to any national developments identified in the forthcoming NPF3 which fall within the plan area. The Main Issues Report currently identifies a number of possible National Developments within the plan area including the proposal to designate the onshore infrastructure for offshore renewable energy as a National Development. The intention is that designation as a National Development will help assist the timely delivery of these offshore renewable energy projects, therefore it is important that this approach is coordinated with the plan to ensure there is consistency between terrestrial and marine planning in achieving this objective.

We also understand that Marine Scotland is due to consult on a Planning Circular as part of their summer consultation programme which will set out how the marine and terrestrial planning systems should interact. The plan should also make specific reference to this, ensuring that it is aligned with the approach proposed in the Planning Circular.

It would also be helpful for the plan to make reference to how, from a process perspective, decisions affecting both the marine and terrestrial environments will be made – this does not necessarily mean clarity in terms of policy interpretation, but the process expected to be followed in determining outcomes.

Question 7: How should the adjoining terrestrial areas be mapped in the pilot marine spatial plan? Do you agree with the proposed key principles set out at paragraph 6.18?

We believe this section would benefit from some clarification as it is not entirely clear what is being proposed (e.g. it is not clear whether principle 1 is suggesting that constraints are or are not mapped to avoid duplication). Provision of a table indicating what is proposed to be mapped and what is proposed not to be mapped may assist.

Question 8: Are the guiding principles and themes identified in Section 7 appropriate? Are there other guiding principles and themes that should inform the development of the pilot marine spatial plan?

See response to question 9 below.

Question 9: What is your vision for the future of the Pentland Firth and Orkney waters area? What would you like the area to be like in 20 years' time?

We believe that the vision for the PFOW area should reflect the strategic importance of the PFOW in terms of wave and tidal resource and the key role the area will play in the development of commercial scale wave and tidal energy, the success of which will form the cornerstone of the growth of the wave and tidal industry in Scotland. The plan's vision and objectives should also recognise the economic opportunities that the wave and tidal

industry offers to Caithness, Sutherland and Orkney as well as the importance of the area's contribution to the wider Scottish economy.

In addition to this, the vision and objectives for the plan should reference the need to tackle climate change, and in particular reduce emissions of the greenhouse gases that contribute to it in accordance with the Marine (Scotland) Act, which states that Scottish Ministers and public bodies must act in a way best calculated to mitigate, and adapt to, climate change so far as is consistent with the purpose of the function concerned. The development of wave and tidal energy in the PFOW area has the potential to contribute to the targets for emissions reductions through the mitigation of climate change impacts via the displacement of greenhouse gas emissions.

Given the role of the plan in delivering the objectives of Scotland's National Marine Plan, we would urge complementarity between the two documents. The National Marine Plan summarises the Scottish Government's vision for the marine environment as "*clean, healthy, safe, productive and biologically diverse oceans and seas, managed to meet the long term needs of nature and people*". This vision is shared by the four UK administrations and the Marine Policy Statement (MPS), which is jointly adopted by the administrations, is an important step in achieving the vision.

Delivery of the Scottish Government's vision will be enhanced further by the implementation of the EU Marine Strategy Framework Directive which sets the framework for Good Environmental Status (GES) to be achieved or maintained by 2020. The Directive sets out 11 descriptors which provide the outcomes that would constitute GES.

Therefore, in order to ensure consistency between the National Marine Plan and the plan, we would recommend that the plan sets the same objectives as the National Marine Plan to help deliver the Scottish Government's vision for the marine environment.

Question 10: Are there existing marine activities that you think should be safeguarded now and into the future? For example, commercial fisheries, ferry services and recreational activities.

This question is difficult to answer at this point in the planning process as the development of the plan, in liaison with stakeholders, will help to define the overarching vision and objectives, setting the priorities for the plan area and ultimately identifying those activities which should be safeguarded.

Given the discrete nature of the physical resources in the plan area (in particular for tidal energy), and the clear policy drivers to support the deployment of commercial scale wave and tidal energy development in Scotland, it is our view that key wave and tidal resource within the plan area should be safeguarded to enable future development of these technologies.

Question 11: How should the protection and/or enhancement of the natural environment be considered in the marine spatial plan? Is the protection of the natural environment important? How important is it? Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

See response to question 13.

Question 12: How should the protection and/or enhancement of historic and culture resources (e.g. Scapa Flow wrecks) be considered in the marine spatial plan? Is the protection of the historic and culture environment important? How important is it? Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

See response to question 13.

Question 13: How should the promotion and support of economic growth be considered in the marine spatial plan? If any, which economic activities would you like to see grow and develop? Is promoting and supporting economic growth important? Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

In response to questions 11, 12 and 13, we consider that it is difficult to prioritise these receptors at this stage in the planning process as the development of the plan, in liaison with stakeholders, will help to define the overarching vision and objectives, setting the priorities for the plan area and ultimately identifying those activities which should be safeguarded or prioritised. The plan should aim to establish how the protection and enhancement of natural environment, historic and culture resources can be balanced with ambitions for sustainable economic development.

Question 14: Having considered Table 9.1, do you have any views on the identified aspirations for growth, strategic issues and opportunities to address the strategic issues in the pilot marine spatial plan?

Table 9.1 provides a useful summary of the key strategic issues facing the plan area.

Table 9.1 states that “the timescales for marine spatial planning in relation to development” are a strategic issue and that “some development proposals will proceed in advance of the statutory marine spatial plan”. We would suggest that reference is made in the Marine Renewable Energy section to the proposed approach of considering the 12 Agreement for Lease areas for wave and tidal stream energy projects as ‘Planned Developments’ as in Proposed Policy 11 (see below).

Question 15: Having considered Table 9.2, do you have any views on the identified potential for interaction between the various sectors, what these interactions might be and how these interactions should be addressed in the pilot marine spatial plan?

Managing the interaction between sectors and competing activities is a key issue to be addressed by the plan and should therefore constitute one of the key objectives of the plan. Please also see our comments in response to question 4.

The management of interactions in the plan should be evidence based, informed by a practical understanding of how activities interact from a technical perspective. Acceptable proximity distances will become an important issue as discussions regarding co-existence and co-location develop.

Question 16: Do you think it is important to have an overarching spatial strategy? If so, what should the strategy include and why?

Yes, we believe it is important to have an overarching spatial strategy and this is what the plan should be attempting to achieve, balancing the different marine activities, sectors and interests to achieve the objectives set out in the vision.

Section 11 Crosscutting or overarching marine planning policies

Proposed Policy 1a: Sustainable Development

Given the purpose of the plan is defined as to “*support the sustainable development of key sectors including, but not limited to, offshore renewables, aquaculture, inshore fisheries, tourism and recreation*”, it is important that a robust policy on sustainable development is defined and developed within the plan.

We support the proposed option to set out a high level policy that details the considerations that need to be addressed to achieve sustainable development in relation to all development proposals. In order for this to assist decision-making bodies/regulators in considering whether sustainable development principles have informed the preparation of development proposals, it is important that such a policy demonstrates consistency with the National Marine Plan.

The proposed policy states that that development will be supported where it:

- Safeguards or enhances the natural, cultural and historic environment
- Demonstrates compatibility with other marine users
- Supports the sustainable use of existing infrastructure
- Makes efficient use of marine space and natural resources.

We would also like to see the following points considered for inclusion:

- Supports the growth and diversification of the local economy
- Makes a contribution towards meeting Scotland’s climate change targets.

Proposed Policy 2a: Integrating marine and coastal development

We welcome the proposed approach to develop policies which support the integrated consideration of marine and terrestrial planning issues. The integration of marine and terrestrial planning issues will be particularly relevant to the terrestrial elements of offshore renewable energy developments. Therefore, we support the

reference to the forthcoming Scottish Government circular on this topic. It will be important that the policies developed within the plan are consistent with this circular.

In addition to the Circular, the recent consultation on the Main Issues Report of the National Planning Framework 3¹ proposes that the onshore infrastructure requirements for offshore renewable energy are considered as a National Development. Given the status of National Developments in establishing the need for that development, it is important that the plan reflects the designation of onshore infrastructure requirements for marine energy developments in any policies on integrating marine and coastal development.

We also suggest that the plan should be a material consideration in the determination of marine licence applications and in the determination of terrestrial planning applications which are linked to offshore development e.g. marine renewables.

Proposed Policy 3a: Nature conservation designations

We support the proposal to develop a policy in the plan that sets out the criteria for assessing the effects of development proposals, individually and cumulatively, on identified nature conservation sites. It is important that such a policy is consistent with other policy and plans such as the National Marine Plan.

The policy will seek to address issues in relation to connectivity between nature conservation sites and proposed developments. However, we would suggest that in many cases, this would be more effectively done at a project level.

Proposed Policy 3b: Protected species

We support the proposed approach for the plan to identify the legal requirements for protected species that must be addressed in the assessment of applications for development consent as required under European, UK and Scottish Legislation. This should also include any species covered by the forthcoming designation of Marine Protected Areas (MPAs).

Proposed Policy 3c: Wider biodiversity and geodiversity interests

No comment.

¹ Scottish Government (2013) Scotland's Third National Planning Framework: Main Issues Report and Draft Framework (2013) <http://www.scotland.gov.uk/Resource/0042/00421073.pdf>

Proposed Policy 3d: Non-native species

No comment.

Proposed Policy 3e: Landscape and seascape

We support the proposal for the plan to contain a policy to guide the assessment of development proposals affecting landscape designations and support the assessment of potential impacts on wider landscape / seascape character. We would also welcome a clear definition of what is meant by seascape where this is referenced in a plan, consistent with other marine planning documents where possible.

Proposed Policy 4a: Cultural and Historic Environment

We support the proposed approach and suggest that reference is also made to the 'Protocol for reporting finds of archaeological interest'² developed by Wessex Archaeology for The Crown Estate. The Protocol applies to pre-construction and construction activities associated with the development of offshore renewable energy schemes where an archaeologist is not present on site. It sets out a framework for ensuring finds discovered on the seafloor, on a vessel, in intertidal zones, and on land are reported to ensure that the submerged cultural heritage is understood and protected accordingly.

Proposed Policy 5a: Water environment

No comment.

Proposed Policy 6a: Coastal erosion and flooding

No comment.

Proposed Policy 7a: Waste management and marine litter

No comment.

² Wessex Archaeology (2010) Protocol for reporting finds of archaeological interest
<http://www.wessexarch.co.uk/projects/marine/tcerenewables/protocol>

Proposed Policy 8a: Safeguarding existing pipelines, electricity and telecommunications cables

We support the proposed policy to safeguard pipelines and cables for potentially damaging activities and applying appropriate safety zones to protect these assets. In general, opportunities for sustainable development should be progressed in a way which does not unnecessarily compromise existing interests.

The Crown Estate recently commissioned a desktop study which identified, reviewed and assessed the factors affecting the routing and spacing of transmission cables for offshore wind farms. The findings, conclusions and recommendations from the study form the basis of our report and are available to download from our website: <http://www.thecrownestate.co.uk/energy-infrastructure/cables-and-pipelines/studies-and-guidance/cable-routing-and-spacing-study/>. Although the project specifically related to offshore wind, many of the principles and technical issues discussed in the report are relevant to other forms of offshore renewable energy generation. This work is a good example of how interactions between adjacent activities can be considered.

Proposed Policy 9a: Hazardous development and Health and Safety Executive consultation zones

No comment.

Proposed Policy 10a: Defence

We would support the provision of as much information as is possible regarding MoD activities to inform areas of appropriate future development.

Question 17: Are there other crosscutting / overarching policy areas that should be addressed in the marine spatial plan?

We are satisfied that the proposed policies cover all key cross cutting policy areas.

Sectoral policies**Proposed Policy 11: Marine renewable energy**

The PFOW area is rich in wave and tidal resources and will play a key role in the development of commercial scale wave and tidal energy projects, the success of which will form the cornerstone of the growth of the wave and tidal industry in Scotland. In addition, the area is of exceptional environmental quality and is an important area for fisheries, aquaculture, shipping, recreation and tourism. Therefore it is important that the plan facilitates the development of wave and tidal technologies whilst also ensuring due consideration of environmental factors and other users of the sea.

Given the advanced stage of the twelve wave and tidal projects with Agreements for Lease with The Crown Estate, we welcome the proposal in the supporting text to consider these developments as 'planned developments at the licensing stage'.

In terms of future marine renewable energy development, we support reference to the Sectoral Plans for wave and tidal energy development which are currently being developed by Marine Scotland. It would be useful for the plan to set out how the Sectoral Plans will be used to inform development within the PFOW area.

We welcome the general approach of the preferred option set out in the report. However, the text could be expanded to provide further clarity. We suggest the following:

It is proposed that the sustainable growth of marine renewable energy and the potential for co-existence with existing marine users is a key objective of the pilot marine spatial plan. This approach would be supported by identifying where there is current use of the marine area by existing economic sectors and other users and provide information to better understand the nature of this use.

*A policy(s) will be developed to facilitate sustainable development of the marine renewable energy sector, working in partnership with wider stakeholders and other marine users. This policy would set out the material planning considerations that will ~~reconciled~~ inform the determination of consent applications and will set out how the interests of other marine users will be addressed ~~balanced~~ in the decision making process. This policy would aim to avoid or minimise significant adverse effects on other economic sectors, ~~and~~ marine users **and the environment**. Where appropriate, the policy would enable appropriate mitigation plans to be developed to address any potential **significant** adverse effects.*

Proposed Policy 12: Electricity infrastructure to support marine renewable energy projects

We welcome recognition of the need for onshore infrastructure for offshore renewable energy developments in the PFOW area and enhancements to the grid infrastructure connecting Orkney to mainland Scotland as a Proposed National Development within the National Planning Framework 3 Main Issues Report and Draft Framework. However, it is our understanding that while onshore infrastructure includes electricity infrastructure, it may also include other infrastructure required for the successful delivery of projects.

In terms of the preferred approach, we suggest the proposed policy is reworded:

*It is proposed that a policy is developed within the pilot marine spatial plan that enables significant direct, indirect or cumulative effects on the environmental receptors and marine and coastal users to be assessed and, where appropriate, **identify** ~~require appropriate~~ mitigation measures.*

We note the intention where physically and technically feasible to route new export cables in pre-defined cable corridors determined from the location of existing cable infrastructure. While the designation of cable corridors could limit the number of cable landfall points on the coastline and limit potential impacts for other seabed users, it could also present technical challenges for existing cable operators. The routing of new infrastructure on or within close proximity to existing cables can compromise the ability of existing operators to effectively maintain and access their infrastructure and these restrictions should be considered when assessing the overall benefit of directing cables to predefined corridors.

We anticipate that the submarine cables sector is likely to voice concerns on the implications of cable corridors, the benefit they can offer for the cable sector and the ability of the marine planning authorities to implement such a framework. However, we appreciate and support the approach generally and suggest that close working and consultation with industry will be required to ensure such an approach is a success. We are very willing to work with Marine Scotland to explore the development of such an approach.

The ability of offshore renewable energy developers to route infrastructure to predefined corridors should also be considered. As noted above, in March 2012, The Crown Estate commissioned a desktop study which identified, reviewed and assessed the factors affecting the routeing and spacing of transmission cables for offshore wind farms. The findings, conclusions and recommendations from the study form the basis of our report and are available to download from our website: <http://www.thecrownestate.co.uk/energy-infrastructure/cables-and-pipelines/studies-and-guidance/cable-routing-and-spacing-study/>. Although the project specifically related to offshore wind, many of the principles and technical issues discussed in the report are relevant to other forms of offshore renewable energy generation.

Proposed Policy 13: Shipping, Navigation and Marine Safety

We support the proposal to develop a policy to support the assessment of the potential effect of development on existing and future use of the marine area for shipping and navigation giving due regard to identified navigation routes. We also refer to the Strategic Area Navigation Appraisal Project (SANAP) currently being undertaken by consultants Anatec on behalf of The Crown Estate, in conjunction with a working group which includes key stakeholders such as Marine Scotland, NLB and MCA. A discussion paper summarising the key shipping and navigational issues related to wave and tidal energy in the PFOW is due in early autumn 2013 and we are happy to provide further information on this project to assist the development of this policy.

Proposed Policy 14: Ports and harbours

We support the proposal to develop a policy which identifies the sustainable growth of identified ports and harbours as one of the key objectives of the plan.

Proposed Policy 15: Oil and Gas

No comment.

Proposed Policy 16: Marine aggregates and dredging

The preferred policy option relates specifically to dredging activities for port and harbour operations but does not propose a policy option of aggregate activities. Therefore, we suggest the proposed policy is expanded to include reference to aggregates activities

The British Geological Survey, on behalf of The Crown Estate, is nearing completion of a resource mapping project to spatially map sand and gravel resource on the UK continental shelf³. This project has been specifically designed for use by planning authorities and provides a comprehensive assessment of sand and gravel resource opportunity offshore; consistent with the principles of safeguarding. This has the potential to be a useful data resource when developing the plan and once the data is available, we will share this for the plan area.

Proposed Policy 17: Development of coastal protection and flood defence infrastructure

No comment.

Proposed Policy 18: Development of new telecommunication cables

No comment.

Proposed Policy 19: Commercial fisheries

No comment.

Proposed Policy 20: Aquaculture

The proposed approach is not to set out a new regional planning policy framework for aquaculture as this is a statutory responsibility of the terrestrial planning regime (out to 3 nautical miles). However, we would like to see the plan support sustainable growth of the aquaculture industry by encouraging Local Planning Authorities to adopt a 'planning for business' approach to aquaculture development, considering at a strategic level where the most viable areas are for the nature and scale of developments industry requires, and how these can be best supported whilst ensuring environmental, social and economic objectives are met.

Proposed Policy 21: Tourism and recreation

No comment.

³ As an example of the expected outputs, a link to the first stage report for the east of England can be found on our website here: <http://www.thecrownestate.co.uk/media/340963/BGS%20east%20coast%20report.pdf>

Question 18: Are there other sectoral policies that should be developed in the marine spatial plan?

The plan should also consider future development sectors e.g. the possible future expansion of the marine biomass industry which could deliver a sustainable and low carbon energy source but will require appropriate provision of offshore location for production and onshore locations for drying, processing and storage.

Question 19: Do you have any further comments or opinions in relation to the preparation of the Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan?

No further comments.

Comments on the PFOW MSP SEA: Draft Environmental report

We welcome the opportunity to comment on the draft environment report prepared as part of the SEA for the plan.

General comments**Consultation**

We have some concerns regarding the consultation on the draft environmental report specifically. While we found it easy to locate the consultation document for the Planning Issues and Options paper, we had difficulty located the appropriate web link for the draft environmental report and we are concerned that other stakeholders may not have an adequate opportunity to consider the document.

Purpose, Vision & objectives

Throughout the planning issues report and draft environmental report there is some inconsistency between the purpose of the plan and the objectives of the plan. The bullet points in the first paragraph of section 1 which set out the plan's objectives are referred to elsewhere (e.g. section 6 of the plan) as the purpose of the plan. Clarity and consistency regarding the purpose of the plan and the plan's objectives is therefore required across all of the relevant documentation.

Question 1: Are you content that Section 2 sets out an accurate description of the current environmental baseline?

We welcome the recognition of the key role marine renewables can play in mitigating climate change through the displacement of carbon emissions from other high-carbon energy generation technologies. However, Table 2.1 should be updated to include accurate reference to the carbon reduction targets set out in the Climate Change (Scotland) Act for a 42% reduction in greenhouse gas emissions by 2020 and an 80% reduction by 2050 (rather than 80% by 2020 as suggested in Table 2.1). In addition, the narrative around the contribution of renewable energy generation to Scotland energy supply (section 2.8.3) should also be updated to reflect more recent data.

addition, we would question the emphasis placed on the impacts on marine renewable developments on biodiversity in section 2.8.

Question 2: Do you agree with the environmental effects of the draft policies, set out in Sections 3 and 4 of the Environmental Report?

Of the options set out in section 3, we support the development of a Marine Spatial Plan over the 'do nothing / business as usual' approach.

However, without detail of the proposed policies, we would suggest that it is very difficult to accurately assess the environmental impacts of the plan in any detail.

Question 3: What are your thoughts on proposals for mitigation and monitoring of the environmental effects of the draft policies?

No comment

Question 4: Are you aware of any further environmental information that will help to inform the assessment findings?

No comment

Question 5: Are you aware of other reasonable alternatives to the proposed policies that should be considered as part of the Strategic Environmental Assessment process?


No comment

Conclusion

We trust that you will find these comments constructive. We would be very willing to provide additional information on any of the points we have raised above and we would be very pleased to discuss these and other points relevant to our ownership or which our expertise may be brought to bear. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

Contact:


The Crown Estate


6 Bell's Brae,
Edinburgh
EH4 3BJ

DD: 

E-mail: 